

**BellSouth Telecommunications, Inc.**  
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July 21, 2006

The Honorable Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211


Re: dPi Teleconnect, LLC, Complainant/Petitioner v. BellSouth Telecommunications,  
Incorporated, Defendant/Respondent  
Docket No.: 2005-358-C

Dear Mr. Terreni:

Enclosed for filing are an original and one (1) copy of BellSouth Telecommunications, Inc.'s Response to Motion for Emergency Relief in the above-referenced matter. This document is an exact duplicate of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.

By copy of this letter, I am serving all parties of record with a copy of this response as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick Turner". The signature is fluid and cursive, with the first name "Patrick" and last name "Turner" clearly distinguishable.

Patrick W. Turner

PWT/nml  
Enclosure  
cc: All Parties of Record  
PC Docs #642463

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**DOCKET NO. 2005-358-C**

In Re:	)
	)
dPi Teleconnect, L.L.C.	)
	)
v.	)
	)
BellSouth Telecommunications, Inc.	)
_____	)

**BELLSOUTH'S RESPONSE TO MOTION FOR EMERGENCY RELIEF**

This morning, BellSouth Telecommunications, Inc. ("BellSouth") received a copy of the Motion for Emergency Relief filed by dPi Teleconnect, L.L.C. ("dPi") in this docket.<sup>1</sup> By way of this response, BellSouth is notifying the Public Service Commission of South Carolina ("the Commission") and dPi that BellSouth withdraws for now its letter of July 7, 2006 (referenced as Exhibit B in dPi's motion) seeking collection of the approximately \$1.4 million owed it by dPi.<sup>2</sup> BellSouth will notify dPi of any further

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<sup>1</sup> As explained below, this Motion is moot in light of BellSouth's voluntary withdrawal of its letter of July 7, 2006. In an abundance of caution, however, BellSouth respectfully moves that the Commission dismiss the Motion because it is signed by an attorney who is not admitted to practice before the courts of South Carolina, who is not associated with such an attorney, and who has not been admitted to practice in this docket *pro hac vice*. See Commission Reg. 103-804.S(1)(b); South Carolina Appellate Court Rule 404.

<sup>2</sup> BellSouth's withdrawal of its letter should not be viewed as suggesting that dPi's Motion or that dPi's position on the underlying dispute has any merit whatsoever. To the contrary, the remainder of this Response explains that dPi's Motion is inaccurate and without merit, and the North Carolina Commission has entered an Order ruling against dPi's position on the underlying dispute. Instead, BellSouth is withdrawing its letter because it is confident that it will prevail on the merits of the underlying dispute, and

collection action that it plans to take in this matter. dPi's Motion, therefore, is moot, and no action by the Commission is necessary.

Although the Motion is moot, BellSouth would like to briefly address dPi's accusation that BellSouth has not honored an agreement between the parties. BellSouth and dPi "reached an agreement to hold this [South Carolina] proceeding (as well as similar proceedings pending before other State commissions) in abeyance until 30 days after a dispositive order is issued in the [similar] proceeding in North Carolina."<sup>3</sup> Similarly, BellSouth further agreed not to enforce its contractual remedies while the dispute before the North Carolina Commission was pending. The North Carolina Commission held an evidentiary hearing on dPi's Complaint, and on June 7, 2006, it issued an Order dismissing dPi's complaint on the merits.<sup>4</sup> While dPi has asked the North Carolina Commission to reconsider its decision, it has neither sought nor obtained a stay of that decision. BellSouth, therefore, is entitled to enforce its contractual remedies, and its decision to do so did not breach its agreement with dPi. Rather than requiring the Commission to expend its resources refereeing this intermediate skirmish, however, BellSouth has decided to withdraw its collection letter for now.

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there in no need for BellSouth or the Commission to expend time and resources an intermediate skirmish.

<sup>3</sup> See Order Holding Proceeding in Abeyance, Order No. 2006-212 (February 27, 2006)

<sup>4</sup> See Order Dismissing Complaint, *In the Matter of Complaint of dPi Teleconnect, L.L.C. Against BellSouth Telecommunications, Inc. Regarding Credit for Resale of Services Subject to Promotional Discounts* Docket No. P-55, Sub 1577 (June 7, 2006).

BellSouth reserves the right, should it become necessary, to raise additional legal and factual defenses to the Motion.

Respectfully submitted,

By: Patrick Turner 7/21/06

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TELECOMMUNICATIONS, INC.

642436

STATE OF SOUTH CAROLINA

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CERTIFICATE OF SERVICE

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COUNTY OF RICHLAND

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The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused BellSouth Telecommunications, Inc.'s Response to Motion for Emergency Relief in Docket No. 2005-358-C to be served upon the following on July 21, 2006.

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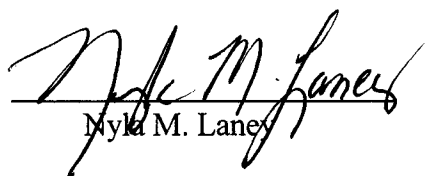
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Nyla M. Laney

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